

Amicus Invitation No. 26–04-06
AMICUS INVITATION (Asylum Fee Applicability), DUE JUNE 24, 2026

JUNE 04, 2026

The Board of Immigration Appeals welcomes interested members of the public to file amicus curiae briefs discussing the below issue(s):

ISSUE(S) PRESENTED:

Section 1802 of title 8 of the United States Code^[1] requires that all aliens with asylum applications (“Form I-589”), pending for 365 days or more, must pay an annual asylum fee (“AAF”) of \$100, subject to additional annual inflationary increases and any other fees applied.

1. Does this AAF apply only to Form I-589 applications for asylum under § 208 of the Immigration and Nationality Act (“INA”), or does it also apply to applications for withholding of removal under § 241(b)(3) of the INA and/or protection under the regulations implementing the Convention Against Torture (“CAT”)?
2. If an Immigration Judge or Appellate Immigration Judge denies an asylum application through pretermission, or deeming the application abandoned, for failure to comply with the AAF requirement, must the adjudicator consider the related claims for withholding of removal under the INA and CAT that are submitted on the same Form I-589 application?
3. Are there any consequences to the alien’s application for withholding of removal and request for protection under CAT when the alien fails to pay the mandatory AAF?

^[1] On July 4, 2025, a Congressional budget reconciliation bill (H.R. 1), commonly referred to as the One Big Beautiful Bill Act (“OBBBA”), was signed into law. Pub. L. 119-21, 139 Stat. 72 (2025). As relevant to the Executive Office for Immigration Review (“EOIR”), OBBBA introduced or increased numerous immigration-related fees. *See* OBBBA, Pub. L. 119-21, tit. X, subtit. A, pt.1, §§ 100002, 100009, 100013, 139 Stat. 79, 364-65, 371-72, 374-82 (codified at 8 U.S.C. §§ 1802, 1808, 1812).

Request to Appear as Amicus Curiae: Members of the public who wish to appear as amicus curiae before the Board must submit a written request labeled “REQUEST TO APPEAR AS AMICUS CURIAE” pursuant to Chapter 2.10, Appendix A (Directory), and Appendix E (Cover Pages) of the Board of Immigration Appeals Practice Manual. The Request to Appear as Amicus Curiae must explicitly identify that it is responding to Amicus Invitation No. **26-04-06**. The decision to accept or deny a Request to Appear as Amicus Curiae is within the sole discretion of the Board. Please see Chapter 2.10 of the Board of Immigration Appeals Practice Manual

Filing a Brief: Please file your amicus brief in conjunction with your Request to Appear as Amicus Curiae pursuant to Chapter 2.10 of the Board of Immigration Appeals Practice Manual. The brief accompanying the Request to Appear as Amicus Curiae must explicitly identify that it is responding to Amicus Invitation No. **26-04-06**. An amicus curiae brief is helpful to the Board if it presents relevant legal arguments that the parties have not already addressed. However, an amicus brief must be limited to a legal discussion of

the issue(s) presented. The decision to accept or deny an amicus brief is within the sole discretion of the Board. The Board will not consider an amicus brief that exceeds the scope of the amicus invitation.

Request for Case Information: Additional information about the case, including the parties' contact information, may be available. Please contact the Clerk's Office at the below address for this information prior to filing your Request to Appear as Amicus Curiae and amicus brief.

Page Limit: The Board asks that amicus curiae briefs be limited to **25 double-spaced pages**.

Deadline: Please file a Request to Appear as Amicus Curiae and amicus brief with the Clerk's Office at the address below by **JUNE 24, 2026**. Your request must be received at the Clerk's Office within the prescribed time limit. Motions to extend the time for filing a Request to Appear as Amicus Curiae and amicus brief may not be entertained. It is *not* sufficient simply to mail the documents on time. We strongly urge the use of an overnight courier service to ensure the timely filing of your brief.

Service: Please mail three copies of your Request to Appear as Amicus Curiae and amicus brief to the Clerk's Office at the address below. If the Clerk's Office accepts your brief, it will then serve a copy on the parties and provide parties time to respond.

Joint Requests: The filing of parallel and identical or similarly worded briefs from multiple amici is disfavored. Rather, collaborating amici should submit a joint Request to Appear as Amicus Curiae and amicus brief. *See generally* Chapter 2.10 (Amicus Curiae) and Chapter 4.6(i) (Amicus Curiae Briefs) of the Board of Immigration Appeals Practice Manual.

Notice: A Request to Appear as Amicus Curiae may only be filed by an attorney, accredited representative, or an organization represented by an attorney registered to practice before the Board pursuant to 8 C.F.R. § 1292.1(f). A Request to Appear as Amicus Curiae filed by a person specified under 8 U.S.C. § 1367(a)(1) will not be considered.

Attribution: Where more than three attorneys or representatives sign an amicus brief or filing, the Board will name only the first three individuals in the published case. If you wish a different set of three names or have a preference on the order of the three names, please specify the three names in your Request to Appear as Amicus Curiae and amicus brief.

Clerk's Office Contact and Filing Address: Amicus Clerk - Board of Immigration Appeals
Clerk's Office 5107 Leesburg Pike, Suite 2000
Falls Church, VA 22041
Monday through Friday, 8:00 a.m. to 4:30 p.m.

Fee: A fee is not required for the filing of a Request to Appear as Amicus Curiae and amicus brief.